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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,129	12/28/2001	Barry Edward Schliesmann	SPTV-01101US0	1610
28554 7590 08/23/2007 VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			EXAMINER CHOWDHURY, SUMAIYA A	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/034,129	<b>Applicant(s)</b> SCHLIESMANN ET AL.	
	<b>Examiner</b> Sumaiya A. Chowdhury	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-32 and 34-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-32 and 34-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 21-32 and 34-44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-28, 30-32, 34-39, and 42-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Rashkovskiy(WO 01/50739 A1).

As for claim 21, Rashkovskiy teaches a method for generating notifications, comprising:

receiving event data at customer premise equipment, said event data is received when an event occurs within a program not currently being viewed via a network from a server located remote from said customer premise equipment, said event data provides information about said event occurring within said program not currently being

viewed, said customer premise equipment is local to a user and said server is located remote from said user (p. 3, lines 12-20);

comparing said event data to an alert parameter (p. 4, lines 13-22), said comparison is performed at and by said customer premise equipment, said customer premise equipment stores said alert parameter for only one output device – (p. 4, lines 13-22); and

providing an alert for said user of said customer premise equipment via said output device during said program indicating said event occurring in said program if said received event data satisfies said alert parameter – (p. 3, lines 20-25).

As for claim 22, Rashkovskiy teaches:

providing a mechanism for said user to tune in said program not currently being viewed on said output device in response to said alert, said output device is a television – p. 3, lines 20-25.

As for claims 23 and 37, Rashkovskiy teaches:

said providing a mechanism includes displaying a user interface which provides an input item for a user to select and tuning in said program not currently being viewed in response to said user selecting said input item – p. 3, lines 20-25.

As for claim 25, Rashkovskiy teaches:

said event data includes event messages – (Fig. 7, p.8, lines 10-25);

said event messages includes a channel number (CH 41), event categorization (GIANTS VS. COWBOYS) and event description (2:00 min. Remaining).

Claim 26 contains the limitation of claim 21 and is analyzed as discussed with respect to that claim.

As for claim 27, Rashkovskiy teaches:

said first program and said second program are broadcast television programs – (p. 2, lines 25-30); and

said providing a mechanism includes displaying an interface (prompt) on a television displaying said output device while said output device is displaying said first program, said output device is a television – p. 3, lines 13-25.

As for claim 28, Rashkovskiy teaches:

providing an interface for said user to specify said alert parameter –p. 8, lines 10-17;

receiving said alert parameter via said interface – p. 8, lines 10-17;

storing said alert parameter – p. 8, lines 10-17;

As for claim 30, Rashkovskiy teaches:

said receiving event data includes receiving said event data from a server at a head-end premises -.p. 2, line 28-p. 3, line 8

Claim 31 contains the limitations of claims 21 and 30 and is analyzed as previously discussed with respect to those claims.

As for claim 34, Rashkovskiy teaches:  
said alert indicates an occurrence of said first event –p. 8, lines 18-26; and  
said alert parameter identifies said first event –p. 8, lines 18-26.

Claim 35 contains the limitations of claims 21, 28, 30 and is analyzed as previously discussed with respect to those claims.

As for claim 36, Rashkovskiy teaches:  
said customer premise equipment includes a set-top box (receiver 30)– col. 2,  
lines 28-30 .

Claim 39 contains the limitations of claim 28 and is analyzed as previously discussed with respect to that claim.

As for claims 24 and 38, Rashkovskiy teaches:  
providing a mechanism for said user to record said program not currently  
being viewed in response to said alert (p. 6, lines 14-20).

As for claim 32, Rashkovskiy teaches:

said event data is received while a second visual program is displayed in association with said customer premise equipment –p. 3, lines 13-20.

As for claim 42, Rashkovskiy teaches said server is located at a head-end premises (p. 2, lines 28-30).

Claim 43 contains the limitations of claims 21, 25, 28, and 30-32 and is analyzed as previously discussed with respect to those claims.

As for claim 44, Rashkovskiy teaches said customer premise equipment includes a set-top box connected to a video monitor (receiver's screen) – p. 5, lines 26-29

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rashkovskiy in view of Kim (6618057)

As for claim 29, Rashkovskiy teaches wherein:

said customer premise equipment includes a set-top box and receiving event data, comparing said event data and providing said alert as discussed above.

However, Rashkovskiy fails to teach an STB running JavaScript code.

In an analogous art, Kim teaches an STB running JavaScript code for compatibility of applications with the STB – col. 3, lines 60-65.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Rashkovskiy 's invention to include the above mentioned limitation, as taught by Kim, for the advantage of compatibility of applications with the STB.

6. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rashkovskiy as applied to claim 21 and 31 respectively above, and further in view of Lefeber (US 2002/0046299).

As for claims 40 and 41, Rashkovskiy fails to teach:

Said server is a network service provider receiving data feeds from one or more data feed providers.

In an analogous art, Lefeber teaches server (101 – fig. 1) is a network service provider receiving data feeds from one or more data feed providers (108 – fig. 1) – [0034], [0036].



It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Rashkovskiy 's invention to include the above mentioned limitation, as taught by Lefeber, for the advantage of minimizing the amount of processing and data received at the server.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC

  
ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER